

109TH CONGRESS
1ST SESSION

H. R. 1235

To limit the authority of the Secretary of Agriculture and the Secretary of the Interior to acquire land located in a State in which 25 percent or more of all land in the State is already owned by the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 2005

Mr. FLAKE (for himself, Mr. BISHOP of Utah, Mr. CANNON, Mr. DUNCAN, Mrs. CUBIN, Mr. OTTER, Mrs. MUSGRAVE, Mr. SIMPSON, Mr. TANCREDO, and Mr. DOOLITTLE) introduced the following bill; which was referred to the Committee on Resources

A BILL

To limit the authority of the Secretary of Agriculture and the Secretary of the Interior to acquire land located in a State in which 25 percent or more of all land in the State is already owned by the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “No Net Loss of Private
5 Land Act”.

1 **SEC. 2. LIMITATION ON FEDERAL ACQUISITION OF LAND IN**
2 **CERTAIN STATES.**

3 (a) ACQUISITION LIMITATION.—Notwithstanding any
4 other provision of law, in the case of a State described
5 in subsection (c), the Secretary of Agriculture and the
6 Secretary of the Interior may acquire an interest in a par-
7 cel of land consisting of 100 or more acres in the State
8 on behalf of the United States only if, before the acquisi-
9 tion of such interest, all right, title, and interest of the
10 United States in the surface estate of another parcel of
11 land in the State is conveyed in accordance with sub-
12 section (b). The Secretary concerned may not divide a par-
13 cel of land consisting of 100 or more acres into smaller
14 parcels to avoid the requirements of this subsection.

15 (b) CONDITIONS ON CONVEYANCE OF SURFACE ES-
16 TATE.—To qualify as a conveyance of the surface estate
17 of a parcel of Federal land for purposes of subsection (a),
18 the Secretary concerned shall certify to Congress that—

19 (1) the conveyance was made for the purpose of
20 complying with the requirements of subsection (a);
21 and

22 (2) the value of the surface estate of the con-
23 veyed Federal land is approximately equal to the
24 value of the interest in land to be acquired by the
25 Secretary concerned, as determined by the Secretary
26 concerned.

1 (c) COVERED STATES.—Subsection (a) applies with
2 respect each of the several States in which 25 percent or
3 more of all land in the State is owned by the United
4 States.

5 (d) EXCEPTIONS.—This section does not apply to the
6 acquisition of the following land:

7 (1) Land to be held in trust for the benefit of
8 an Indian tribe or individual or to be held by an In-
9 dian tribe or individual subject to a restriction by
10 the United States against alienation.

11 (2) Land acquired pursuant to a land exchange
12 specifically authorized or required by an Act of Con-
13 gress.

14 (3) Land acquired pursuant to a foreclosure
15 under title 18, United States Code.

16 (4) Land acquired by the United States in its
17 capacity as a receiver, conservator, or liquidating
18 agent and held by the United States in its capacity
19 as a receiver, conservator, or liquidating agent pending
20 disposal.

21 (5) Land that is subject to seizure, levy, or lien
22 under the Internal Revenue Code of 1986.

23 (6) Land that is securing a debt owed to the
24 United States.

25 (e) DEFINITIONS.—In this section:

1 (1) The term “acquire” includes acquisition by
2 donation, purchase with donated or appropriated
3 funds, exchange, devise, and condemnation.

4 (2) The term “Secretary concerned” means the
5 Secretary of Agriculture or the Secretary of the In-
6 terior.

7 (f) WAIVER AUTHORITY.—The Secretary concerned
8 may waive the requirements of subsection (a) with respect
9 to the acquisition of a particular parcel of land by the Sec-
10 retary concerned during any period in which there is in
11 effect a declaration of war or a national emergency de-
12 clared by the President and the Secretary concerned cer-
13 tifies to Congress that the land acquisition is necessary
14 as part of the United States response to the war or na-
15 tional emergency.

○